

SENATE BILL 2433

By Kurita

AN ACT to amend Tennessee Code Annotated, Title 2,  
Chapter 10, Part 2, relative to the registry of  
election finance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-10-206, is amended by adding the following language as new, appropriately designated subsections:

( ) Audit the statements of contributions received and expenditures made by or on behalf of each candidate for state public office or political campaign committee during each two-year election cycle in such manner as the registry deems appropriate, and in accordance with § 2-10-207 promulgate such rules and regulations deemed necessary by the registry to implement this subsection.

( ) Investigate written, sworn complaints submitted by any person concerning any violation of law under its jurisdiction in accordance with Section 2 of this act.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 10, Part 2, is amended by adding the following language as a new, appropriately designated section:

2-10-2\_\_.

(a) The registry may initiate an investigation concerning any violation of law under its jurisdiction on its own initiative by a majority vote of its members, or by a member or any citizen submitting a complaint on a form created by the registry.

(b) Following the filing of a complaint, or on its own initiative, the registry shall conduct an informal, preliminary investigation prior to commencing a formal investigation.

(c) The registry is authorized to issue subpoenas to compel witnesses and the production of materials and to administer oaths and take testimony.

(d) If, following the preliminary investigation, the registry determines that a sufficient evidence exists indicating that violation may have occurred, a hearing shall be held in accordance with the uniform administrative procedures act, title 4, chapter 5, prior to the registry making a final determination on any such violation.

(e) All criminal matters shall be referred to the attorney general or the district attorney general within the appropriate jurisdiction.

(f) If the registry determines that a violation has occurred, other than on criminal matters referred pursuant to subsection (e), the registry may issue an order for the violator to cease and desist, issue an order for the violator to file or amend required filings or statements, and assess a civil penalty.

(g) The registry shall promulgate rules in accordance with the uniform administrative procedures act, title 4, chapter 5 to implement the provisions of this act.

SECTION 3. Tennessee Code Annotated, Section 2-10-203(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c)

(1) Members of the registry shall be selected for staggered five-year terms as follows:

(A) The governor shall appoint one (1) member;

(B) The members of the democratic caucus of each house of the general assembly meeting jointly shall appoint one (1) member;

(C) The members of the republican caucus of each house of the general assembly meeting jointly shall appoint one (1) member;

(D) The attorney general and reporter shall appoint one (1) member; and

(E) The Tennessee judicial conference shall appoint one (1) member.

(2) Members appointed prior to the effective date of this act shall serve until the expiration of their term of office. Appointments pursuant to subdivision (1) shall occur as members terms expire in the following manner:

(A) The appointment to fill the expired term of the member appointed by the senate prior to the effective date of this act shall be made by the members of the democratic caucus of each house of the general assembly in accordance with subdivision (1);

(B) The appointment to fill the expired term of the member appointed by the house of representatives prior to the effective date of this act shall be made by the members of the republican caucus of each house of the general assembly in accordance with subdivision (1);

(C) For the three (3) appointments made by the governor prior to the effective date of this act:

(i) the first expired term shall be filled by the governor;

(ii) the second expired term shall be filled by the attorney general and reporter; and

(iii) the third expired term shall be filled by the Tennessee judicial conference.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.